

REMARKS

The present response is filed with a Request for Continued Examination (RCE) and is to the Office Action mailed in the above-referenced case on November 21, 2003, made Final. Claims 8-25 are presented for examination. The Examiner has objected to the drawings and specification due to informalities. Claims 8, 10 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 8-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mikkola et al. (6,529,143), hereinafter Mikkola, in view of Tso (U.S. 6,047,327), hereinafter Tso.

Regarding the Examiner's objection to the drawings and specification, and the 112 rejection of claims 8, 10 and 19 due to informalities, applicant provides proposed drawing corrections, and herein amends the language of the specification to clarify the language, and amends the language of the claims to correct the antecedent basis.

Applicant has carefully studied the prior art presented by the Examiner and the Examiner's rejections and statements of the instant Office Action. In response applicant herein amends the claims to more particularly point out and distinctly claim the subject matter of applicant invention regarded as patentable. Applicant points out and argues the limitations of applicant's claims as amended, which distinguish clearly and unarguably over the prior art cited and applied by the Examiner.

Regarding claim 8, the Examiner has stated that Mikkola discloses an information system for delivering position-related information to a portable digital appliance, comprising substantially the limitations of applicant's claims, with the exception that Mikkola does not specifically disclose a client profile recording specific references for a user of the digital appliance. The Examiner has relied on Tso for teaching this deficiency, stating that the

reference teaches, in the same field of mobile information retrieval endeavor, storing and maintaining a client profile with specific preferences for a user, and that it would have been obvious to combining the teachings to produce applicant's invention.

To clearly distinguish applicant's claims over the combined teachings cited and applied by the Examiner, applicant herein amends the language of the base claims to specifically recite wherein the information system selects information to be provided to the appliance according to the position of the appliance, change of position of the appliance relative to time, and user preference indicated in the client profile, and stores a record of user locations and activities.

Applicant's invention teaches that the information server, in response to receiving the information request, either automatic or user-initiated, updates the dynamic location of the user/device, as well as updating other statistical and historic data, and then stores all of the necessary data. This action continues in a session to develop and store a complete record of user/device locations, static and dynamic, and all activities of the user/device. The process continues throughout a client session, with more requests to the server, and more data accesses and deliveries to the user/device. At any point in time, then, the system knows the precise location of the user/device, all of the previous locations and activities, providing a track record including direction and rate, and can make future predictions as well, based on past movement. There may be included an interface for a client to, for example, retrace the history of a session, and so on.

In an example wherein a user, having the digital appliance temporarily issued to the user by a worker at a site of interest, a museum for instance, may be taking a walking tour of the site including exhibits, the server accesses appropriate information about exhibits based on location and activities of the

user/device, and sends that information along to the device. When the user is finished with the tour and turns in the temporary digital device, all of the locations and activities of the user during the tour are recorded and stored in the data repository. The exhibit worker at the site may then be enabled to cause a document to be printed describing the user's tour, as a souvenir. This document may include boilerplate elements about specific exhibits, which may be organized and presented according to the session history, i.e. activities of the user.

The reference of Mikkola, teaches retrieving point of interest information in accordance to the interest of the user. The Examiner has admitted, however, that Mikkola fails to specifically disclose a client profile recording specific preferences for the user of the digital appliance. Applicant points out that Mikkola also fails to teach recording and storing in the data repository, the historic activities of the user.

The Examiner has relied on the reference of Tso for teaching storing and maintaining a client profile with specific preferences for user (col. 4, lines 34-53, col. 10, lines 41-61 and col. 15, lines 41-51). Applicant has carefully studied the portions cited and applied by the Examiner, as well as all of the remaining portions of the disclosure, and applicant can nowhere find any teaching or suggestion in Tso of recording, developing and storing a complete record of user locations, static and dynamic, and all user activities, as is taught in applicant's invention and recited in applicant's base claims as amended. Tso simply records and stores as a client profile, specific user preferences provided by the user of the digital appliance, and other client related information such as gender, income, interests, and other demographic information, but makes no historical record of the user's activities, as described above for applicant's invention.

The combined teachings of Mikkola and Tso provide an information system that knows, at any given time, the current position, direction of movement, and so on, of the user/device, but the system of the combined teachings clearly has not the capability of knowing, at any point in time, all of the previous locations and activities of the user/device, providing a track record including direction and rate, and therefore the capability of making future predictions of user/device activity, or providing historic reports to the user/device, based on past historical movements and activities of the user/device.

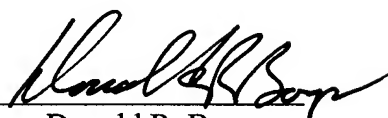
Applicant therefore believes that independent claim 8 as amended to recite storing a record of such user locations and activities, is now clearly and unarguably patentable over the combined teachings. Depending claims 9-16 are then patentable on their own merits, or at least a depended from the patentable claim.

Applicant's claim 17 recites the method of applicant's invention for delivering position-related information to the portable digital appliance, in accordance with applicant's claims 8. The Examiner has rejected claim 17 and the depending claims for the same reasons set forth in the rejection of claims 8-16. Applicant has accordingly herein amended the language of claim 17 to include a step for storing the record of appliance locations and activities. Applicant's claim 17 as amended is therefore now also clearly and unarguably patentable over the combined teachings of the prior art presented by the Examiner. Depending claims 18-25 are then also patentable on their own merits, or at least as depended from a patentable claim.

Applicant therefore respectfully requests that the present case be reconsidered and passed quickly to issue. If there are any time extensions due beyond any extension requested and paid with this amendment, such extensions are hereby requested. If there are any fees due beyond any fees

paid with the present amendment, such fees are authorized to be deducted from deposit account 50-0534.

Respectfully Submitted,
Harry A. Glorikian

by 
Donald R. Boys
Reg. No. 35,074

Donald R. Boys
Central Coast Patent Agency, Inc.
P.O. Box 187
Aromas, CA 95004
(831) 726-1457